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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,753	11/08/2001	Nikiforos Kollias	J&J-2068	9649

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,753

Applicant(s)

KOLLIAS ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. U.S. Patent 6,537,211.

Referring to claim 1, the Wang reference discloses in Figures 12-13, a method of photographing (by CCD electronic color camera, see Col. 20, lines 30-40) the skin of a person (tissues of person), said method comprising: (i) illuminating said skin with at least one light source, wherein said light source either emits substantially only light having a wavelength from about 380 to about 430 nm or emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm (e.g., a krypton ion laser or filter to excite the fluorescence range from 407-413, and preferring with 410 nm, see Col. 21, lines 14-18 and lines 32-41); and (ii) capturing the image of said illuminated skin with a camera (CCD camera); wherein the light entering said camera is also filtered with a long pass filter, wherein said long pass filter substantially eliminates light having a wavelength below about 400 nm (a 400 nm long pass filter, see Col. 18, lines 38-50).

Referring to claim 2, the Wang reference discloses wherein said light source emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm (See Col. 21, lines 32-41).

Referring to claim 3, the Wang reference discloses wherein said long pass filter filters such light prior to entering the lens of such camera (See Col. 18, lines 39-40).

Referring to claim 4, the Wang reference discloses wherein said long pass filter substantially eliminates light having a wavelength below about 440 nm (See Col. 18, lines 45-50).

Referring to claim 5, the Wang reference discloses all subject matter as discussed in respected same comments to claim 4.

Referring to claim 6, the Wang reference discloses all subject matter as discussed in respected same comments to claim 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucchina et al.

“Fluorescence photography in the evaluation of acne”, Journal of the American Academy of

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Dermatology Vol. 35, Number 1, pp. 58-63 (noted that this reference is cited in the applicant's IDS filed on 8/30/04) in view of Wang et al. U.S. Patent 6,537,211.

Referring to claim 7, the Lucchina reference discloses in Figure 1, a method of promoting a skin care product (evaluation of acne care product, see page 58), said method comprising: (i) illuminating said skin with at least one light source (fluorescence Flash), (ii) capturing the image of said illuminated skin with a camera, wherein the light entering said camera is also filtered with a long pass filter; wherein said long pass filter substantially eliminates light having a wavelength below about 400 nm (e.g., the filter passes visible light having range 400-700nm, cuts out UVA & IR which wavelength below about 400nm); (iii) presenting said image to said person; and (iv) suggesting skin care products based upon said person's review of said image (to evaluation the skin care products based on fluorescence photographs, See Figures 2-3 and page 59-61). However, the Lucchina reference does not explicitly show wherein said light source either emits substantially only light having a wavelength from about 380 to about 430 nm or emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm.

The Wang reference teaches in Figures 12-13, a method of photographing (by CCD electronic color camera, see Col. 20, lines 30-40) the skin of a person (tissues of person), said method comprising: (i) illuminating said skin with at least one light source, wherein said light source either emits substantially only light having a wavelength from about 380 to about 430 nm or emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm (e.g., a krypton ion laser or filter to excite the fluorescence range from 407-413, and preferred with 410 nm, see Col. 21, lines 14-18 and

lines 32-41). The Wang reference is evidence that one of ordinary skill in the art at the time to see more advantages for using fluorescence light source either emits substantially only light having a wavelength from about 380 to about 430 nm or emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm to the tissues of person so that the contrast between normal and adenoma tissues provided by the fluorescence is greatly enhanced compared to the obtained with other excitation wavelength (See Col. 20, lines 65-67). For that reason, it would have been obvious to the one of ordinary skill in the art at the time to modify the photography system of Lucchina for providing the light source either emits substantially only light having a wavelength from about 380 to about 430 nm or emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm as taught by Wang.

Referring to claim 8, the Lucchina and Wang references disclose all subject matter as discussed in respected to claim 7, and the Lucchina further comprises presenting said person with one or more questions relating to said presented image and said suggestion of skin care products is based upon said person's answers to said one or more questions implicitly (See page 58-63).

Referring to claim 9, the Lucchina and Wang references disclose all subject matter as discussed in respected to claim 7, and the Wang reference discloses wherein said light source emits light through a filter that emits substantially only light having a wavelength from about 380 to about 430 nm (See Col. 21, lines 32-41).

Referring to claim 10, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 9.

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Referring to claim 11, the Lucchina and Wang references disclose all subject matter as discussed in respected to claim 7, and the Wang reference discloses wherein said long pass filter filters such light prior to entering the lens of such camera (See Col. 18, lines 39-40).

Referring to claim 12, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 9.

Referring to claim 13, the Lucchina and Wang references disclose all subject matter as discussed in respected to claim 7, and both the Lucchina and Wang reference disclose wherein said long pass filter substantially eliminates light having a wavelength below about 440 nm.

Referring to claim 14, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 13.

Referring to claim 15, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 13.

Referring to claim 16, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 13.

Referring to claim 17, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 13, and the Wang reference discloses in figure 14C, when a monochrome camera is used and lamp (352) light through the green filer of a rotating blue-green-red filter wheel (354), the only the green channel of the RGB image captured by said digital camera (See Col. 27, lines 56-61).

Referring to claim 18, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 19, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 20, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 21, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 22, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 23, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Referring to claim 24, the Lucchina and Wang references disclose all subject matter as discussed in respected same comments to claim 17.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. George et al. U.S 6,593,882 a method to recognize that normal skin exhibits a substantial level of fluorescence, and the human skin is measurable over a green channel.
 - b. Martens et al. U.S. 5,363,854 discloses an apparatus for detecting anomalies of the skin.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

June 6, 2005